

PATENT
Attorney Docket No. LF-20900

Amendment A - Page 10

REMARKS

In pages 1 and 2 of the Office Action it is indicated that Claims 1-11 have been withdrawn from consideration. It is believed that the Examiner meant to indicate that it was Claims 1-10 that have been withdrawn from consideration.

With respect to the rejection under 35 U.S.C. § 103(a) of Claims 11-14, 18-26, 28, 29, 31, 36, and 37 and 4 in paragraph 1 of the Office Action as being obvious in view of Teckenbrock, independent Claims 11, 21 and 36 have been amended to distinguish the claimed invention over this reference. The rejections of independent Claims 29 and 37 are respectfully traversed as set forth in detail below. In addition, dependent Claims 13, 18, 19, 22, 23 and 24 have been amended in order to further patentably distinguish these claims from the subject matter of the claims from which they depend. Claim 30 has been amended merely in order to conform to the terminology of Claim 29 without intending to affect the scope of the claim.

Specifically, the 35 U.S.C. § 103(a) rejection of Claims 11 and 21 as amended and Claim 37 in its original form as being unpatentable over Teckenbrock is respectfully traversed. In particular, there is a fundamental difference between what is being claimed and what is taught by the cited references. Specifically, Claims 11, 21 and 37 all claim in one form or another the concept of latching the seat post to a rack on a support member that can be released by a release handle where the seat can also be raised without using the release handle. In other words a ratchet type mechanism. This is a substantial and patentable difference from the mechanism described in Teckenbrock where the release handle 32 must be operated in order to both lower and raise the seat 54. Because both the racks 62 and 62a and the latches 98 and 98a are configured with gear teeth that mesh, the latches must be disengaged from the racks by the mechanisms connected to the release handle 32 in order to raise the seat 54 as well as lower it. By contrast, as described on page 14 in paragraph 0041 of the specification, the claimed mechanism provides users with a particularly convenient mechanism for seat height adjustment where it unnecessary to release the latch to raise the seat. As a result, it

PATENT
Attorney Docket No. LF-20900

Amendment A - Page 11

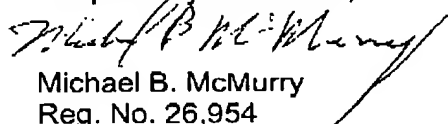
is respectfully contended that Claims 11, 21 and 37 along with dependent Claims 12-20 and 22-28 are allowable.

With respect to Claim 29, this claim includes a guide assembly secured to the bottom end of the seat post that has two elements, at least one bearing surface and one stabilizer arm. Neither of these elements are described or shown in Teckenbrock. In paragraph 7 of the Office Action, the Examiner in discussing Claim 20 which includes similar elements suggests that central guide rod 80 shown in Fig. 2 is equivalent to the claimed stabilizer arm and that there is a "bearing surface" at the bottom of the guide rod 80. The central guide rod 80 is not similar in either configuration or function to the claimed stabilizer arm. Specifically, the central guide rod 80 is secured to the lower plug 76 that in turn is attached by rivets or pins 78 to mounting tube member 24 and not the lower end of a seat post as claimed. See col. 2, lines 61 to col. 3, line 3 of Teckenbrock. In addition, the lower plug 76 does not include a bearing surface but is instead used to secure the bottom central guide rod 80 to the bottom of the mounting tube 24. Therefore, it is respectfully contended that Claims 29-35 are allowable.

It is believed that no fee is due for this paper. However, if an additional fee is due please charge Deposit Account No. 13-2495 for any such fees incurred herein.

Therefore, it is respectfully requested that the amendment to Claims 11, 13, 17-19, 21-24, 30 and 36 be entered and that this application issue to Letters Patent with Claims 11-37 forming a part thereof.

Respectfully Submitted,


Michael B. McMurry
Reg. No. 26,954

March 3, 2004

1210 Astor Street
Chicago, Illinois 60610

(312) 664-1086 (Telephone)
(312) 664-1087 (Facsimile)